

**Town of Superior
Regular Council Meeting
Thursday, February 16, 2012-7:00 P.M.
Superior Senior Center
360 Main Street, Superior, AZ 85173
MINUTES**

A. CALL TO ORDER

Mayor Valenzuela called the meeting to order at 7 p.m.

B. SALUTE TO THE FLAG

Mayor Valenzuela led the salute to the flag.

C. OPENING PRAYER

Council Member Chris Tomerlin led the opening prayer.

D. ROLL CALL

Present: Council Members Hank Gutierrez (arrived 7:10 p.m. after roll call), Chris Tomerlin, John Tameron, Soyla "Kiki" Peralta, Mayor Jayme Valenzuela, Vice Mayor Olga Lopez; **Absent:** Council Member Gilbert Aguilar

E. CONSENT AGENDA

1. Approval of minutes for work session and regular meeting of February 2, 2012.

MOTION: Vice Mayor Lopez moved to approve the minutes. Council Member Tomerlin seconded.

VOTE: The motion carried unanimously.

F. REPORTS

1. Finance Reports

Interim Town Clerk Rita Wentzel stated this would be the last report Finance Clerk Nicole Welty would give. Ms. Welty reviewed the accounts payable/receivable. There were no questions from the council.

2. Public Works Reports

Public Works Director Jed Lant reported that public works goals for January focused on safety and personal protective equipment. Goals for February are to finish up major/minor collector streets as well as start on local roads according to the street maintenance plan. Re individual goals he has completed 407 modules with 97% average and Level 2 of the road scholar program. Charles Lucas is studying for his herbicide applicator certificate. Mr. Lant also detailed street and maintenance work done, including home tour preparation as well as street work completed, work at the horseshoe park, removal of Christmas décor from U.S. 60 light poles with assistance from Resolution Copper, and other items at cemetery, town hall and in preparation for the CAAG conference, Mary Drive and Highlands fence for the purpose of preventing cattle from wandering into town, wastewater treatment plant. Staff is receiving their required immunizations. Inspections have been done at the airport and of all public documents for safety concerns, and the park. Mr. Lant responded to questions, including one by Council Member Tameron as to whether the Highland fence was the

town's responsibility. Mr. Lant said the responsibility was the town's, the developer's and the Forest Service's. Mr. Tameron asked if they had helped. Mr. Lant said the Forest Service helped with barbwire and public works did the labor and also ADOT helped. The realtor didn't help. Mr. Tameron asked if they could bill him. Mr. Lant said it was hours/money spent. Town Attorney Christopher Wencker said yes they could send a bill.

G. COMMUNICATION:

1. Manager's Report—Interim Town Clerk Rita M. Wentzel

Update regarding Letter of Support for the Resolution Copper Land Exchange Legislation heard in the Senate Committee on Energy and Natural Resources February 9, 2012: Ms. Wentzel said the only person who had seen the letter was Mayor Valenzuela so she put it in the packet for everyone.

Letter of Resignation from Ms. April Lira, effective February 16, 2012: Ms. Lira was the front desk/customer service operator. This was her last day of work. They had asked her to attend the meeting so they could recognize her for her hard work but unfortunately she was unable to attend as she is pursuing a master's degree program and also has taken a job at the elementary school two days a week as a substitute teacher as her master's will be in special education.

Introduction of new Customer Service Representative for the Front Desk, Ruby Cervantes: Ms. Wentzel said they did have 21 applicants for the job and it was initially posted as a part-time job but they have hired somebody on a full-time basis. They interviewed 11 applicants. The interview team was herself, Vice Mayor Lopez and Ms. Kathryn Arnold. Their top applicant was Ruby Cervantes. She is in the audience and they would like to congratulate her.

Reminder regarding due date for Council Financial Disclosure Statements: Ms. Wentzel reminded council members their financial disclosure statements were due January 31. She had received three to date.

Notice of the CAAG 16th Annual Legislative Day Thursday, February 23, 2012: Ms. Wentzel said the notice of this was in the packet. She has posted the meeting so if there is a quorum they are covered.

Notice of the Hayden ASARCO Operations Centennial Celebration Saturday, February 25, 2012: Ms. Wentzel said four council members have indicated attendance so it has been posted for a potential quorum. If anyone else wishes to attend feel free to do so.

Notice of CAAG Joint Planning Advisory Council meeting Monday, February 27, 2012: Ms. Wentzel called their attention to a support resolution that will be addressed in the planning meeting.

Notice of Casa Grande Mayor's 2012 State of the City Address, Thursday, March 15, 2012: Ms. Wentzel said she has not posted this for a quorum. Council should let her know if they wish to attend and she would post.

Update regarding Letter to the Forest Service in opposition of Road Closures around Superior, Arizona: Ms. Wentzel said they hadn't received sufficient information on what roads are being closed. They have been in contact with the Forest Service. The contact period has been extended to March 5 so they still have one meeting where they can get additional information and bring back a proposed letter that the council can approve and send to the Forest Service, should they choose.

Update regarding Accounts Payable position: They posted the accounts payable position (replacing Ms. Welty). There are currently 10 applicants. They will put together an interview board so they can get the best person for the job.

Certificates of Appreciation for Town employees: Ms. Wentzel thanked Ms. Welty for her hard work. She is a dedicated and has done a lot of intense activities, including the conversion of the computer software. On behalf of the staff they provided a card and plant. Mayor Valenzuela presented her with a Certificate of Appreciation.

Mayor Valenzuela asked Ms. Cervantes to step up to the podium and tell them a little bit about herself. Ms. Cervantes said she was a lifelong resident of Superior, having graduated from Superior High School and has worked in the town. She was blessed that she found the position with the Town of Superior. No matter where she is, she feels Superior is her home town.

Ms. Wentzel and the Mayor reminded everyone they did have a Certificate of Appreciation they would send to April Lira as well.

2. Planning & Zoning Report—Public Works Director Jed Lant

Update on Work Session February 9, 2012: Mr. Lant reported on the work session covering review of Article XIV, parking provisions. Next work session could possibly be review of Article XIV and the changes. From this point they will start Article XV. When the review is completed, this will come to council.

Update on Regular Meeting February 23, 2012: On the 23rd, Planning and Zoning will have a hearing on the Magma Hotel, including site plan review, two variances and a conditional use permit. They are still awaiting a staff report from Willdan. Final approval will rest with the council. Ms. Lopez asked if they meet at 6 p.m. and Mr. Lant said yes. Starting next month the 2nd Thursday of the month will be a regular session and the 4th one will be a work session. They will have two meetings per month.

Ms. Wentzel requested a recess planned with food in honor of Ms. Welty and Ms. Cervantes. Mayor Valenzuela said they would come back into to session at 7:40 p.m.

MOTION: Vice Mayor Lopez moved to adjourn for the recess. Council Member Tameron seconded. **VOTE:** The motion carried unanimously.

MOTION: Vice Mayor Lopez moved to return to regular session from the recess. Council Member Tomerlin seconded. **VOTE:** The motion carried unanimously. Council returned to the session at 7:40 p.m.

H. CALL TO THE PUBLIC:

Curt Williams: Commented on the alcohol permits for the Apache Leap festival. There are businesses downtown that serve alcohol. That is where alcohol consumption should be. Months ago Superior was invited to a Superior Substance Abuse public forum. One of the main topics was the culture of alcohol use in Superior and acceptability of behaviors involved. When the Optimists and the Chamber of Commerce are applying for licenses for public drinking, or should he say, public drunkenness in the case of the horseshoes, what message are they sending? How are they going to make a change? If the town council approves the permits, what message is it sending?

Sonnie Sansom: Posed questions. Who is in charge of code enforcement? Why do they have their police in town enforcing traffic when there never is any? Do they need their police on Highway 60 also?

Betty Gallego: Requested update on status of purchase of Main Street property she bid on.

Mayor Valenzuela: Told Ms. Gallegos they would have her meet with staff on her issue. He requested Ms. Wentzel to leave her contact information so Ms. Gallegos could give her more information.

Larry Jochai: Gave council members copies of a letter. He said it was brought to his attention about the letter that had been given to one of his employees. The least he could do was share copies with them. In trying to build a business, they realized they had responsibilities to serve the Superior public.

Tina Gutierrez: Thanked the mayor for being there for the home tour. She said they are all very excited about Apache Leap. They had quite a program in store and yes they do have a beer garden this year but that is in celebration and keeping order in the streets. She welcomed Mr. Williams to volunteer for Apache Leap as he volunteered for the home tour. They are going to have a lot of entertainment. They are going to have a lot of people coming from out of town. This is a very positive event. Hopefully the community will come together and celebrate. She welcomes anyone to come and join their meetings so they can see what is going on. They welcome anyone to volunteer and spend time with them as it is a community event. They are having a lot of other communities coming and helping and joining.

I. BUSINESS, POSSIBLE DISCUSSION AND/OR ACTION ON THE FOLLOWING:

1. Presentation: Mr. Mark Romo, Assistant Vice President and Branch Manager, Bank of the West and his team will provide an overview of Bank of the West services available for business customers.

Mr. Romo said he was there to solicit their business back with Bank of the West. He referenced a meeting he had with the new mayor, the vice mayor and Ms. Wentzel. He felt there were a couple of things they as their hometown bank can help the town with. He introduced Tim Sieferman, Regional Manager of Bank of the West in Arizona, Mike Paduone, Business Banking Professional with Bank of the West, and Danielle Steinsefzer of ADP Business Services.

Mr. Sieferman said he would answer any questions. Council Member Gutierrez said there had been a lot of questions the other members just didn't want to ask regarding a compromise in their bank account. He asked for an overview. Mr. Sieferman said there was a situation where a computer was compromised and money was taken. Superior was not the only one compromised. He decided after much contemplation he would repay some money that Superior had lost. He made that decision based on the relationship he wanted to have with the town and he would make the same decision again. Yes, computers were compromised, passwords were obtained that allowed somebody to get access to their accounts and transfer monies to somewhere outside of the United States. He said when those things happen they try to understand what took place, how the computers were compromised, and then they move forward in deciding terms of compensation. Mr. Gutierrez said Superior was not the only community. Mr. Sieferman said, "Absolutely not, and Bank of the West was not the only bank."

Mr. Gutierrez said he did appreciate their having the bank there and liked the new lighting. Mr. Sieferman commented that he has heard there is some desire to have an ATM and he will continue to work on that. Mr. Gutierrez said that as far as ADP he uses that payroll service in his own business.

Mayor Valenzuela said for clarification purposes, they have asked those questions. That is why they met with them, he and Ms. Lopez. They have heard the answers to those questions about what transpired in the transactions. They have also talked to them about their services versus Chase's services and they said they can match anything that Chase does, if not better. So it was going to be for the council at a future date to see whether they bring the accounts back to Superior. He is in favor of bringing the accounts back to Superior because he thought they needed to lead by example.

Ms. Steinsefzer of ADP addressed council, noting that Bank of the West did do payroll through ADP. She gave an overview and asked if there were questions. Mr. Gutierrez said he would like to have the town see the pros and cons of doing payroll through ADP. They are short on staff. That has been one of the challenges they have had, paying the taxes, taking the deductions, etc. He knew their staff is

willing to step up to that but maybe their staff would entertain the idea of just taking a look and seeing if it is feasible. Ms. Steinseifzer said, "Absolutely." She discussed possible time saving to do other tasks that the staff might have. She said ADP has backing to make sure everything is done properly.

Vice Mayor Lopez said that Ms. Welty had gone but that had been one of her jobs, to do payroll and she was sure she would testify it is very time consuming and to give that time to something else, she is sure would be appreciated. It would probably be a good idea to have the program explained.

She also referenced the history of the compromised account. She said Tim Sieferman had made the decision to pay an amount back to the town, not necessarily admitting guilt. She wanted to bring that out and let the audience know it wasn't the bank's fault necessarily. Mr. Sieferman said he makes decisions when people lose money based on relationships, not necessarily on fault. It is irrelevant. It is his role to try and keep relationships. That is his goal. Ms. Lopez said she appreciated it.

Mr. Romo introduced Mike Paduone who is a cash management consultant. Mr. Paduone said if they take their deposits to the branch that is across the street and their payroll to ADP, they really didn't need him. He reviewed his role as a cash management consultant. He noted people don't do business with banks, people do business with people. He said they would certainly love to have the town's business back. If there were questions about ACH origination, wire services, electronic deposit services, account analysis, etc., he would be happy to address them.

Fire Operations Chief Todd Pryor and Council Member Tameron questioned Ms. Steinseifzer about ADP payroll services and she responded. There was further discussion regarding ADP

Mr. Romo closed with a thank you to the council, mayor, vice mayor and Ms. Wentzel for taking time out of their schedule a couple of weeks ago and to the rest of the council for giving their consideration.

Mr. Tameron commented that Rudy at the bank was a great person and a great asset to the bank; the whole staff is, but Rudy is great.

2. Presentation: Ms. Susan Anderson, Superior Chamber of Commerce, recap of the recent Superior Home Tour Event.

Ms. Wentzel said this is a result of their last meeting in which Ms. Anderson indicated she provided an update on the home during Public Comments the previous meeting; however, the Council had questions for her that could not be answered in that venue.

Ms. Anderson the event was very successful. She would be glad to answer any questions regarding sales tax and vendors. Mr. Tameron asked for an explanation on that. Ms. Anderson explained that during the years she had been involved she had collected the checks from the antique vendors. The daily permit fee had been waived by the town for artists. The explanation that had been given to her some years back was they were selling what they make rather than what they buy for resale. Right or wrong that was the explanation she got. She did check with someone who has been dealing with artists there for more than 10 years. She was just passing along what she was told. Mayor Valenzuela said that was all they were asking for. They want clarification on what has transpired in the past.

Ms. Anderson said she has never been involved in checking for anybody's state sales tax license. She was under the impression that was between the seller and the Department of Revenue. She doesn't know of any Chamber event where they have asked for sales tax license numbers, although someone else might know. Mr. Tameron said last year he had the vending and he did come to the town manager at that time and ask about the sales tax and if they needed to go to the Department of

Revenue. He was told, "No, not this year." Now, and he knows it is a lot, they are going to have to do it and he is sure there are people who are going to be upset. He was sure Ms. Anderson and Pam Rabago had gotten phone calls about this. He got one that day and he told them it was the law. Ms. Anderson said it was a big change and right now they had to do it right before a major festival. It has caused a lot of extra work. They have lost some vendors, at least temporarily. Vendors are a huge draw. They bring many dollars to the town. Maybe by the next event they might put something together. She is trying to work with them. One of her concerns is this is far reaching. They may lose their art show. Many are are fearful of signing the forms. She is not saying that it is right; she is just letting them know what she is hearing. These are big events. Art is a big thing in this community and hopefully they can come up with something to handle the taxes for them in these events. She doesn't know what the options are. It doesn't just include events. All the bake sales in front of the market, if they are not a nonprofit they can be taxed. This includes the people who sell tamales, whether from their home or a public place, everything that is sold in the town unless it is a nonprofit.

Mr. Gutierrez said there is a possibility that the town is throwing the baby out with the bathwater. He discussed revenues that businesses earn during events. He thought that has been why it has been waived "all those years, not just recently." The question he would have is that it is not the Chamber's responsibility to collect the tax. It would be their responsibility to get a tax ID number and EIN number, but it is not really up to the Chamber to police the tax paid. He would say maybe it is on the form and then it is up to the Chamber to accept or reject that.

Ms. Rabago said the Chamber is addressing this regarding the tax and gave details regarding the forms. They are attempting to follow the letter of the law.

Ms. Wentzel said the town holds issuance of a new/renewal business license until they get the federal ID number and the state sales tax number. They also require Health Department permit numbers when selling food. One of the reasons they built the food courts was to assist vendors with water and electricity so they can perform to Health Department Standards. She knows this is new but thought they have not been doing their job as a town in requesting all the T's crossed and I's dotted. With respect to the festival and the sellers in town, she did a survey of 17 different festivals, fairs and events. With one exception, a church festival that had all nonprofits, everyone required a federal and state ID, some type of license with the town. She did not think they were trying to do anything unusual or different but may not have done their part in the past so this may be a hard transition. They had two tamale vendors on Sunset and Mary Drive the previous day. The Chief did enforcement and they packed up and left. But they do get quite a few people in to get a daily permit and some come back to get an actual business license because it is cheaper. People who do this for a living are not opposed to it.

Sonnie Sansom from the audience asked if the town participated in the tax revenue. Mayor Valenzuela said they didn't last year. They are not recreating the wheel. They are not against any of the events that are coming but he didn't think it fair for the businesses here in town that support that sales tax and pay and have their ID numbers. He thought it only right to require everyone to participate and follow the status quo. It is something that hasn't been enforced.

Mr. Gutierrez referenced businesses benefiting from the home tour because they had Mata Ortiz, etc. If all of a sudden there is no draw, the businesses are going to say, "What happened?" Mayor Valenzuela said it was something they would have to work through, a process, trial and error. Mr. Gutierrez said yes, they would work through it.

3. Discuss/Approve/Reject: Main Street Closure from Kellner to Lobb, Saturday, February 18, 2012 to host the LOST Eco-Tourism Festival

Ms. Wentzel said based upon the town's sponsorship of the festival, the recommendation from staff is to direct staff to work with Ms. Mila Lira to close the street between 10 a.m. to 4 p.m. and provide the necessary barricades and signs to redirect traffic. The fiscal impact to the town would be larger than what was disclosed on the agenda at the time of preparation but at that time it was two public works employee salaries for two hours in the morning and afternoon on Saturday, barricades provided by the town and signage. In addition to that there has been a request for staff on Friday morning at the Magma Club. There will be additional cost.

Ms. Mila Lira presented information about the event they are now considering annual. A year ago they celebrated the trail opening. Now they are celebrating the official opening of the canyon segment. They all know the trail was used for years by residents but actually they were trespassing when it was on mine property. It took a lot of time and effort to work with the town and Resolution Copper. She referenced a comprehensive trail report she had prepared. One of the big issues is trash at the airport right off the LOST. They were working on getting other labor but that did not come through but were able to utilize Public Works. Mr. Lant and his crew were able to get out there quickly as they had identified it was in town limits. So the mess was cleaned up in time for the event. Resolution Copper was hosting a trail work day with 25-30 volunteers working on Friday.

When she had checked her registration list they had 53 people signed up just for the luncheon alone. A lot of people had volunteered to do a guided hike. They were having demonstration booths by Audubon Arizona, the BLM, the Arizona Trail, their ECO-Tourism partners. The trail received approximately \$900 in donations by doing their sponsorships and another in-kind contribution. She also noted, per a phone call from Marc Marin of Copper Country News, that they are being featured in their spring ecotourism publication.

MOTION: Council Member Tomerlin moved to approve the street closure. Vice Mayor Lopez seconded. **VOTE:** The motion carried unanimously.

4. Discuss/Approve/Reject: Main Street Closure from Stansberry to Lobb, Monday, March 5, 2012 through Monday, March 12, 2012 for the Apache Leap Mountain Festival Carnival; and from Lobb to the Magma Avenue (agendized "Magma Club" in error), Friday, March 9, 2012 through Sunday, March 11, 2012 to host the Chamber of Commerce Apache Leap Mountain Festival

Ms. Wentzel said the recommendation is to work with the Chamber of Commerce to close the streets and provide necessary barricades. They did not know the exact fiscal impact but will utilize public works employees and vehicles for an undetermined number of hours. The town will provide barricades, as well as signage that will be on loan through their IGAs. The Chamber has requested electricity for the Belmont area as well as signs and banners for the mining competition.

Ms. Anderson provided an update on the festival activities. She said they had changed the format a bit and invited mining and mining related companies to participate. Resolution contributed \$5,000 for the mining competition for prizes.

Council Member Gutierrez said he was a Chamber member. Could he vote or discuss this? He said Council Member Tameron was a Chamber member also. Attorney Wencker asked if he was an individual Chamber member. Mr. Gutierrez said he was a Chamber member as a business. Attorney Wencker said he did not believe that posed a conflict of interest.

Mayor Valenzuela discussed with Ms. Anderson the potential blocking of businesses with vendor booths. He said any business that blocks a business is bad business. Ms. Anderson said they would work on that. Vice Mayor Lopez asked about the carnival. Ms. Anderson said it would go where it has gone. Mayor Valenzuela said he understood. As long as they are granted permission by that business, he did not see an issue. But he knows that there have been businesses that have expressed concern.

Mr. Pete Casillas commented to the mayor that for the past two years there had been a post-event survey with questions for businesses. They have all filled it out whether they were Chamber members or not. He has not heard any problems. Mayor Valenzuela said okay, he only questioned because he had been asked. Mr. Casillas said all the businesses have been supportive of the carnival.

Ms. Anderson said she would like to have legal advice on what people without permits can or can't do to capitalize on the festival. Ms. Wentzel said she did have a letter but has not had a chance to pass it along to the attorney. They will ask for a legal opinion/input from Attorney Wencker.

MOTION: Council Member Tameron moved to close the streets needed for this weekend. Council Member Peralta seconded. The motion carried unanimously.

5. Discuss/Approve/Reject: Chamber of Commerce Alcohol Beverage Permit and Application for Special Event License at the Besich Park during the Apache Leap Festival March 10, 2012

Ms. Wentzel said based on the information in the application as well as history, participation and performance during past festivals, staff recommended approval of the alcohol permit and special event license. The Chamber has provided the town \$50 in fees for the alcoholic beverage permit and has its own liability insurance. There have been no other requests for use of Besich Park on this date. Proceeds from the event will be retained by the Superior Chamber of Commerce.

Council Member Gutierrez asked if the town received a certificate of liability from the Chamber. Ms. Wentzel said they haven't in the past but the Chamber would provide it to anyone who asked. Mr. Gutierrez said he thought getting a certificate issued would be the thing to do. Ms. Anderson said there is no problem and she would be happy to take care of it the next day.

Mr. Gutierrez asked Ms. Anderson to walk him through this. She said, "The beer garden?" He asked about security. She said they had it at night. The beer garden would be open from noon until 11 p.m. on Saturday only. From 8 p.m. on they are requesting police security. Ms. Tina Gutierrez is recruiting responsible adults. Anyone who appears inebriated will not be served. Several of the people who will be involved have taken the Arizona alcohol class. They know what to look for. They are going to be very cautious. They want to show that you can sit down and have a beer or two and watch the entertainment on the stage and enjoy yourself responsibly. Mr. Gutierrez said he had been through that training. If he were to volunteer for that, would he have to redo the training? Ms. Anderson said they are not requiring it. Mr. Gutierrez asked how they control that some people who look older are younger and Ms. Anderson explained the ID system. Mr. Tameron asked whether in the class it had been mentioned about signing a book if there were a question about age. Ms. Anderson said she did not recall that. Ms. Tina Gutierrez said no, they had given them an indication of what to look for in the driver's license. Mr. Tameron said he asked that because of having a liquor license they did have a book and that took some of the liability off the business. Ms. Tina Gutierrez said the volunteers she had did not know the people they would be dealing with and would be a little more careful. They are going to be sitting there, looking at people and making a judgment and ask for the ID.

Council Member Gutierrez asked staff how they were going to control people who bring their coolers and are walking around with beer cans and red cups. Police Chief/Public Safety Director Lou Digirolamo said in the past they have found people trying to take the alcohol out of the venue. They stop them and tell them they have to go back inside. Usually also people walking up and down the street with alcohol don't know they can't do that and are usually given a warning and if they are belligerent or disorderly they are taken under arrest. But they try to educate people first. Mr. Gutierrez asked what they did about beer coolers in a vehicle. Chief Digirolamo said it is technically against the law. Mr. Gutierrez said he thought that went back to the past of substance abuse in the community and if the parents did not have a controlled venue. If the Chamber had a controlled venue

that is going to make it a lot more manageable to some point. He agreed with what Curt Williams was saying. Personally he would like to ban the town from issuing any alcohol permits for any event, even in picnic areas. If they are going to be serious about alcohol and drug abuse, that is where they start but it may not be realistic. Mr. Tameron said the Chamber is going to take care of that issue. Mr. Gutierrez said they have done a good job in the past.

Council Member Tomerlin said he agreed with Curt Williams. Awhile back they did have a Substance Abuse Coalition Forum on this. One of things was “well, it is the whole culture of substance abuse and underage drinking.” Is there going to be any way they can prevent this? He knows what is going to happen. It has happened in every mining festival in the past. Adults are going to be stumbling down the street, three sheets to the wind. The kids see that and the kids are going to pick up on that behavior. Is there any other way they can prevent this from happening? He knows if they seem inebriated they are not going to serve them. But is there any way they can 75 percent prevent this. He is not going to say 100 percent because there is no such thing as 100 percent. Ms. Tina Gutierrez said this is why the Chamber is doing this in the first place, to try to make a controlled environment. In the past there hasn’t been. The only reason the Chamber entertained this beer garden was to keep a little bit more control and that way you wouldn’t see people running around drunk. You wouldn’t see them going to their cars getting their beer. That is the reason the Chamber is having this garden, so they can have a little more control. Mr. Tameron said, “And setting the example.” Ms. Tina Gutierrez agreed it was setting an example that there is a place you can go and have a beer as an adult, not behind buildings, not walking up the street, but right where the festival is.

Council Member Gutierrez asked what the last time was the Chamber had an alcohol permit for Apache Leap. Ms. Anderson said not since she was involved with it. There was a general discussion in the room. Mr. Gutierrez said so what Mr. Tomerlin was talking about was not related to Apache Leap? Mr. Tomerlin said that, no, it was related to other events. He apologized if he implied the Chamber had anything to do with that. He was just trying to make sure that the whole drinking situation was going to be kept more under control.

MOTION: Council Member Tameron moved to accept the alcohol beverage permit and the special event permit for the Chamber of Commerce for the weekend of the Apache Leap Mountain Festival. Council Member Gutierrez seconded. **VOTE:** The motion carried 4-2 with Council Members Tomerlin and Peralta opposed and Council Member Aguilar absent.

6. Discuss/Approve/Reject: Superior Optimist Club Alcohol Beverage Permit at the rear fenced area of the Superior Senior Center for a Horseshoe Tournament/Scholarship Fundraiser

Ms. Wentzel said based upon information contained in their application as well as the history of their participation and performance during past events, staff recommended approval of the alcohol beverage permit. In previous years the Optimists have requested and been allocated an area behind the senior center for use during Apache Leap Mountain Festival event. The Optimist Club has provided \$50 in fees for the alcohol permit and they have their own liability. There have been no other requests for use of the area. Proceeds will be used to provide scholarships for Superior seniors.

Mayor Valenzuela asked what is the difference in fees between having a permit to sell liquor or just having an area to bring liquor. Ms. Wentzel said the fee for any town area is \$50.

Ms. Lopez stepped down from the council table and went to the microphone to answer questions as an Optimist. Mr. Gutierrez asked if she could address some of the questions he had asked the Chamber or did she want him to repeat them. Ms. Lopez said they had liability insurance and would indemnify the town. Their program has been going on for several years and is to raise money for scholarships for Superior seniors. They want the permit to allow those playing in the horseshoe tournament to have beverages. It is well controlled and in that area they have never had a problem.

Before they did it in the empty lot that belonged to Mr. Chavez and they never had an issue either. Mr. Gutierrez asked if they had to provide security like the Chamber and Ms. Lopez said no, it is part of the town. Ms. Wentzel said the request for security came through the application for a special event permit through the liquor department. Ms. Lopez said the horseshoe participants bring their own. Ms. Wentzel said it is BYOB and the charges that are assessed have to do with the horseshoe tournament, not with the liquor.

Mr. Gutierrez asked Ms. Lopez how they control the issue of minors. Ms. Lopez said Optimist members help patrol the area. They are constantly reminding people they can have it there but it has to be controlled; it has to be in there. They never had an issue with minors.

Mr. Gutierrez said is this a showstopper for raising funds if they did not have an alcohol permit in that venue. Ms. Lopez said she did not know. It could be. Mr. Gutierrez said the reason he brought it up is the Chamber holds the Apache Leap event three days a year. They've got Porter's, the VFW and now the Chamber trying to generate revenue out of alcohol/beer sales. Then they have a competing entity. There were further comments between Ms. Lopez and Mr. Gutierrez. He said he supported the effort but has never really supported having a permit back there. He agreed with Mr. Tomerlin. He would be reluctant to support it because he thought it was in direct competition with local business and the Chamber's effort but more importantly based on the history, from his perspective, they had no control and he has seen people stumbling out of the alley because they had no control. Ms. Lopez said that in the time that she was out there she had never seen him out there once to show his face to see anything. That was her perspective. There were minors out there and there were people who contributed to the cause and there were ones who received scholarships also and they are watched. They are minors but they are not consuming alcohol. They had never had one child out there who has consumed alcohol. They are continually reminding them. They have parents who are there and they are watching them.

Mr. Gutierrez said, "Absolutely." Ms. Lopez asked him to let her finish and not interrupt. She said the other thing is re competing with the Chamber. They have anywhere from 30 to 40 teams. That is two in a team. That is 40 people times two. They are looking at maybe 80 people. They bring their families there and they are watching them. Yes, they bring their beer in but they come out to purchase food from the vendors. She did not think there was a competition. She thought they were actually adding to the profit throughout the town. When they are done they are going to go down the street to the beer garden also. She didn't know why he thought that it was a competition. Mr. Gutierrez said that was not really what he meant. He appreciated it and understood the effort the Optimist was putting forward. He thought it is a good effort because when they started it, it was for her brother for a scholarship fund. He is separating the two. It does add that component for the Chamber because there are more people in town, more activities going on. He was just talking specifically to the alcohol.

Even though staff recommended it, based on his feedback and his experience when he was Chamber president in charge of vendors and as president all the negative feedback he received during that period of time and even up to last year, he recommended they give the permit as a use permit but deny the alcohol beverage permit. That was his viewpoint. When they lacked control it reflected on Porter's, the VFW and it may reflect on the Chamber. They can do all the controls but when there is very minimal control from what he has seen in the past, it is a bad reflection on everybody. He thought they could still have a successful event without the alcohol beverage permit. Ms. Lopez said he was entitled to his opinion but it was strange he would say that.

Mr. Tameron commented that last year as the person in charge of the vending, he did walk back there and he did see control that didn't affect the vendors in anyone being out of control. It did support the vendors. That was Saturday but they also came back Sunday.

Mayor Valenzuela said he would also like to speak on behalf of the Optimists. He had attended the events in the past and thinks they have been well controlled. He cannot think of any incidents that have occurred. The only incident he can remember that has happened in the past did happen with the Chamber of Commerce, so if any license should be in question, if they went back in history of being in control, it would be the Chamber of Commerce that they would look at. He told Mr. Gutierrez he thought he was trying to create a division. He didn't agree with that. Mr. Gutierrez expressed disagreement with the mayor who asked to finish his comment. The mayor told Mr. Gutierrez he thought he was creating a division within the town on an event. They are granting a business license/beer license for one. It is a special event, they are granting it for one; why not grant it for the other. He thought that by dividing it they are creating problems by doing that and he did not agree with Mr. Gutierrez' comments.

Mr. Gutierrez said he is basing this on his personal experience. This is not a reflection on the Optimist. He is a past Optimist member and he knows they do good things. All he is saying is he does not think that is the place to have a beverage permit or alcohol permit at that particular location because it doesn't really change the dynamics of that event. He doesn't know who runs the horseshoe tournament but based on the real experience from the last three or four years that he has seen, it has not been controlled. That is what he is trying to tell them. He is not trying to create division. He is just speaking to the reality of what he has experienced.

Council Member Peralta called for the vote.

MOTION: Council Member Peralta moved to approve the special event and alcohol permit. Council Member Tameron seconded. **VOTE:** The motion carried 4-2 with Council Members Gutierrez and Tomerlin opposed and Council Member Aguilar absent.

7. Discuss/Approve/Reject: Removing Luigi Digirolamo as a signer on the Bank of the West and Chase/JP Morgan checking accounts

Ms. Wentzel explained the item and that Chief Digirolamo had requested to be removed as a signer.

MOTION: Vice Mayor Lopez moved to approve. Council Member Peralta seconded. **VOTE:** The motion carried unanimously.

8. Discuss/Approve/Reject: Adding John Tameron as a signer on the Bank of the West and Chase/JP Morgan checking accounts replacing Luigi Digirolamo

Mr. Tameron asked Attorney Wencker if he needed to recuse himself. Attorney Wencker said it is always up to the member to determine whether they had a conflict of interest. As to what constitutes conflict of interest, that would be personal financial involvement. In other words if he stood to benefit monetarily from this decision, then he would have a conflict of interest. Hypothetically, the situation would only arise if Mr. Tameron wrote himself a check. That would be a conflict of interest. He asked Mr. Tameron if that answered his question and Mr. Tameron said it did.

MOTION: Council Member Peralta moved to approve. Vice Mayor Lopez seconded. **VOTE:** The motion carried unanimously.

J. EXECUTIVE SESSION

The Town Council may or may not vote to go into Executive Session pursuant to ARS38-431.03 (A-1) (A-3) & (A-7)

1. A-1—PERSONNEL

2. A-3—LEGAL ADVICE WITH ATTORNEY
3. A-7—LEGAL ADVICE WITH ATTORNEY REGARDING SALE, LEASE OR PURCHASE OF REAL PROPERTY

There was no executive session.

K. COUNCIL COMMENTS

Council Member Peralta: No comment.

Council Member Gutierrez: Congratulated Ms. Cervantes on passing the interview tests for the town job. She is the right person for that. She will be very effective. Re staff, they had talked about the ADP payroll. Whether it be ADP or any other payroll services, even though there is going to be an incremental cost to that, there is a cost to having staff spending hours and hours to do that when it could be just a transfer of funds and you could be done with that, get your reports and everybody is happy. He knows there will be an incremental cost so when staff comes back to them, could they come back with some projection of what those costs may be and the cost savings not only related to the dollar amount but related to the time saved, which is valuable. He asked what happened to his microphone and indicated he wanted all the microphones up. There were not enough microphones for everyone. Ms. Wentzel said they had Jesse Baltierra, who was handling the sound system using some of his own equipment. He had to wait until such time as they could resolve the back pay for him and issues of the contract. He took his personal items out and since they had a working sound system, they are trying to hang in there with it.

Council Member Tomerlin: Would like to say he had nothing to say against the organizations that applied for the alcohol permits. He wished them the best. He is personally against it and is a member of the Substance Abuse Coalition. He has lost family and friends to drunk driving and things like that, just to explain that a little bit.

Council Member Tameron: No comment.

Vice Mayor Lopez: Hoped to see a lot of people out for the event on Saturday on the trail. It is a really big event. Have a good time.

Mayor Valenzuela: Noted the police department is working diligently at implementing the DRMO program. They have obtained a dump truck for the town at no cost. He asked Police Chief Lou/Public Safety Director Lou Digirolamo if it was correct they might be picking it up in a day or so. Chief Digirolamo said they will be in Tucson looking at it either the next day or the next week. The mayor said this is from the program the military has, the Defense Revitalization Military Operations. After one year if the dump truck is not suitable to them, he thinks they can turn around and sell it for proceeds to be retained by the police department. Chief Digirolamo said that was right. The mayor said that was a good thing. He had Jed Lant and also Todd Pryor from the ambulance service make a wish list so they can probably through time obtain all these items through a wish list and there will be a bucket truck, dump trucks, trailers, things for the paramedics, at no cost, brush trucks, everything, water trucks. They just have to stay on top of this.

Mentioned the 100-year celebration in Arizona. He read in the Arizona Republic an interview with an elderly lady. Clotilde Mendoza was 101 years old and born and raised in Superior. She made comments about how she was born and raised in Superior and worked in the grocery store for 30 years, raising her two children and now both of them are Arizona teachers. He just wanted to recognize that.

Noted also that as a token of appreciation in serving with all the council, he wanted to give the members a Sheriff's Office Centennial Challenge Coin.

Wanted to mention that he knew it had been brought up when he ran for mayor that he had a delinquent sewer account. He was told a couple of days ago that Ms. Dalton was inquiring in reference to his sewer

account. He is here to lead by example and when the staff informed him that Ms. Dalton was inquiring into his sewer account, he had a balance of \$12. He wished the town would take this money and inform Ms. Dalton that he had paid his balance of \$12 that was delinquent.

Asked everybody to attend the ecotourism event in the coming weekend; come out and support it. Have a good evening and thank you.

L. ADJOURNMENT

MOTION: Vice Mayor Lopez moved to adjourn. Council Member Tomerlin seconded. **VOTE:** The motion carried unanimously. Mayor Valenzuela adjourned the meeting at 9:35 p.m.

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the Town Council of the Town of Superior held on the 16th day of February, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

/s/

Rita M. Wentzel, Interim Town Clerk

These minutes were compiled and transcribed by Cindy Tracy, an independent contractor. Final editing of these minutes and their content is completed and verified by Town of Superior staff members.